

THIS MEETING IS BEING RECORDED:

The Township Committee met on the above date at 1:00 PM at the Middle Township Municipal Building. Members present were Mayor DeLanzo, Committeemember Doughty, Committeemember Lockwood, Deputy Clerk Dawn Stimmel, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando. Township Business Administrator Mark Mallett was absent.

1. QUESTION/ANSWER PERIOD ON AGENDA (*This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)
2. RESOLUTION No. 266-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Mayor DeLanzo seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:  

Current Acct.     \$    1,204,752.88
3. RESOLUTION No. 267-10 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:  

Current Acct.                                 \$    10,723.00
4. RESOLUTION No. 268-10 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the minutes from the Township Committee meeting held June 21, 2010 and June 25, 2010 are hereby approved
5. REPORTS: The following departments have submitted their reports for the months indicated: Land Use Administrator for the month of June; Tax Collector for the month of June; Municipal Clerk for the month of June; Construction Official for the month of June; Zoning Official for the month of June;
6. ORDINANCE NO. 1363-10 – ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1363-10 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.  
*Adding Title of “Seasonal Employee – Laborer/Truck Drive (CDL Required)”*
7. ORDINANCE NO. 1365-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO PURCHASE LAND KNOWN AS A PORTION OF BLOCK 339, LOT 3, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1365-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/02/2010 at 6:00 p.m.  
WHEREAS, Kathryn Burke Sellers and Steven Sellers currently own the land known as Block 339, Lot 3 on the Official Tax Map of the Township of Middle;  
WHEREAS, The Township Committee of the Township of Middle, in order to construct sanitary sewer infrastructure seeks a portion of the said property for use as a pump station; and;  
WHEREAS, the parties have come to an amicable agreement to resolve a condemnation action whereby Kathryn Burke Sellers and Steven Sellers shall sell a portion of Block 339, Lot 3 to the Township of Middle.  
NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, as follows:  
SECTION 1. The land and structures on said land described in Exhibit “A” hereto shall be purchased for the amount of \$38,500.00 from Kathryn Burke Sellers and Steven Sellers and

conveyed via a Deed. The Mayor of the Township of Middle is authorized to sign any and all documents necessary to effectuate this purchase.

SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.

8. RESOLUTION – SUPPORTING SENIOR CITIZENS AND DISABLED RESIDENTS WHO ARE AT RISK FOR LISTING THEIR PROPERTY TAX REBATES THIS YEAR – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
**\*\*TABLED**
9. RESOLUTION NO. 269-10 – CAPITAL BUDGET AMENDMENT – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, the local capital budget for the year 2010 was adopted on the 21<sup>st</sup> of June, 2010, and  
WHEREAS, it is desired to amend said adopted capital budget section, and  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following amendment to the capital budget section of 2010 be made.  
BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith the Office of the Director of Local Government Services.
10. RESOLUTION NO. 270 -10 THROUGH 272-10 – AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS WHITESBORO/EDGEWOOD PHASE I SANITARY SEWER PROJECT – NOTES A THROUGH C (ITEMS A THROUGH C) – On motion by Committeemember Doughty  
seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
11. RESOLUTION NO 273-10 – AUTHORIZE APPLICATION – EDWARD BYRNE JAG GRANT – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby authorize the application for the 2010 Edward Byrne Jag Grant, and  
FURTHER RESOLVED, that Police Lt. John Edwards is named as the Contact Person and that the appropriate officials are hereby authorized to sign said documents, including any and all Interlocal Services agreements in connection therewith.
12. RESOLUTION NO 274-10 – AUTHORIZING REQUEST FOR PROPOSALS – SNOW REMOVAL CONTRACTORS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle wishes to request written proposals for snow removal contractors until 1:00 p.m. on Wednesday, July 28, 2010, at which time various Township Officials will be responsible for tabulating and opening the proposals.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, that request for proposals for snow removal contractors, on behalf of the Township of Middle is hereby authorized as designated below:  
Snow Removal Contractors  
**Up to and until 1:00 p.m., Wednesday, July 28, 2010**  
33 Mechanic Street, 2<sup>nd</sup> Floor Conference Room,  
Cape May Court House, NJ 08210
13. RESOLUTION NO. 275-10 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – MITCHELL HUMPHREY SOFTWARE – CONSTRUCTION AND ZONING SOFTWARE PRODUCTS – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Mitchell Humphrey and the Township of Middle for software products license and maintenance support be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.  
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.  
FURTHER RESOLVED, that the term of this contract shall be from August 1, 2010 through July 31, 2011.

Mitchell Humphrey Software – Construction and Zoning Software Maintenance -- \$5,650.00  
As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$5,650.00 has been bid for the following service or items construction & zoning software It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract:\_\_\_\_\_

PO# \_\_\_\_\_

\_\_\_\_\_  
Tracey L. Taverner, CFO

14. RESOLUTION NO. 276-10 – AUTHORIZING TOWNSHIP TO EXCEED 60-DAY BID LIMITATION – SHELLBAY, SHUNPIKE, GOSHEN ROAD AND CREST HAVEN ROAD SANITARY SEWER PROJECT – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, it was deemed necessary and desirable to solicit for bids for the Shellbay, Shunpike, Goshen Road and Crest Haven Road Sanitary Sewer Project; and  
WHEREAS, the Township received bids on May 5, 2010 at 10:00 AM for said project, and  
WHEREAS, NJSA 40A:11-24 delegates the time table for making awards and returning deposits, and  
WHEREAS, statute states that the contracting unit shall award or reject the contract in no case more than 60 days after receipt, except that the bidders who consent thereto at the request of the contracting unit, be held for consideration for such longer period as agreed, and  
WHEREAS, all bid security, except the security of the three apparent lowest responsible bidders, shall be returned, unless otherwise requested by the bidder, and  
WHEREAS, the Township of Middle is scheduled to award the contract and does hereby wish to exceed said time frame for an addition sixty (60) days, and  
WHEREAS, the Township will request written consent from the three lowest bidders to retain all bid documents for an additional 60 days or until an award is made.  
NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey, that the Township of Middle is hereby authorize to extend the award time for the above referenced project for sixty (60) additional days.

15. RESOLUTION NO. 277 – RENEWAL – TOWING LICENSES – 2010 – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, several towing license renewal applications listed below have been found to be in proper form, and the fees paid in each case.  
NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2010:

License#	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
3	Rio Auto Body	1	X96B96	Ford F-350 Flatbed	\$450.00	\$50.00
	Rio Auto Body	2	XN761E	International Flatbed		\$50.00
4	Blakeslee Towing & Recovery dba Court House Towing	1	XN559E	International Flatbed	\$450.00	\$50.00
	Blakeslee Towing & Recovery dba Court House Towing	2	XL797P	International Flatbed		\$50.00
	Blakeslee Towing & Recovery dba Court House Towing	3	XP638H	International Flatbed		\$50.00
	Blakeslee Towing & Recovery dba Court House Towing	4	XS473C	International Flatbed		\$50.00
	Blakeslee Towing & Recovery dba Court House Towing	5	XN574E	Ford F-350 Wheel Lift		\$50.00
7	Hi-Tech Towing	1	XT122M	Ford F-450 Flatbed Wheel Lift	\$450.00	\$50.00
	Hi-Tech Towing	2	XT121M	International Flatbed Wheel Lift		\$50.00
	Hi-Tech Towing	3	XN958E	Ford F-450 Flatbed Wheel Lift		\$50.00

9	South Jersey Towing	1	X5752H	International Flatbed	\$450.00	\$50.00
	South Jersey Towing	2	XP894H	International Flatbed		\$50.00

16. RESOLUTION NO. 278-10– SOCIAL AFFAIRS PERMIT – CAPE MAY COUNTY HISTORICAL & GENEALOGICAL SOCIETY – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, The Cape May County Historical & Genealogical Society has applied for approval to sell alcoholic beverages at an event to be held at the Cape May County Museum, 504 Rte 9 North, CMCH, on September 3, 2010 from 6:00 p.m. to 9:00 p.m., and WHEREAS, they have provided proper documentation to the Township of Middle, NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
17. RESOLUTION NO 279-10 – RENEWAL OF ALCOHOL BEVERAGE LICENSES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
\*\*\*Mayor DeLanzo abstained.  
WHEREAS, certain licensees have filed for renewal of their Alcoholic Beverage License for one (1) year beginning July 1, 2010, and  
WHEREAS, the said applications are in due and proper form with the fee of \$600.00 for each Plenary Retail Consumption License; \$600.00 for each Retail Distribution License; \$150.00 for each Club License and no objection filed and all \$200.00 State Filing Fees received and forwarded,  
NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, does hereby forward to the Division of Alcoholic Beverage Control an application for Atkinson’s Tavern 0506-33-009-007, with no objection, for a Plenary Retail Consumption License.  
BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, does hereby issue to Cape May County Chapter #44 Disabled American Veterans, Inc. 0506-31-010-001 a Club License.  
BE IT FURTHER RESOLVED, that these licenses be signed and sealed and delivered by the Clerk if the Township of Middle in accordance with the rules and regulations of the State Department of Alcoholic Beverage Control and appropriate Ordinances of the Township of Middle.
18. RESOLUTION NO. 280-10 THRU 281-10– RELEASE OF PERFORMANCE BOND – (ITEMS A THROUGH B) – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
RES. NO. 280-10 WHEREAS, \$28,144.80 is being held as a Performance Guarantee for TJ Main Street for site plan improvements located at 2 S. Main Street otherwise known as Block 257 Lot 7, and  
WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and  
WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and  
WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Cash Bond, plus interest for a total amount of \$28,172.86, in the name of TJ Main Street be and is hereby released.  
RES. NO 281-10 WHEREAS, \$326,858.40 is being held as a Performance Guarantee for K Hovnanian Shore Acquisitions / K. Hovnanian at Middle Township II, LLC. for site plan improvements located at Bayberry Drive otherwise known as Block 312.01 Lot 4, and  
WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and  
WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and  
WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Performance Surety Bond in the name of K Hovnanian Shore Acquisitions / K. Hovnanian at Middle Township II, LLC. be and is hereby released.
19. RESOLUTION NO. 282-10 – RENEWAL OF GRAVEL PIT PERMITS – 2010 - On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.  
\*\*\*Committeemember Doughty Abstained.  
WHEREAS, the several Gravel Pit Permit Renewal applications listed below have been found to be in proper form, and the fee paid in each case, and

WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and  
WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter, “recertification is currently recommended” for the following licensees, and  
NOW THEREFORE BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2010 and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132:

NO.	NAME OF LICENSE	BLOCK/LOT	ACREAGE	FEE
4	Siegtown Partners	98/2	35.37	\$600.00
6	Albrecht & Heun	94/19.02	57.5	\$600.00
7	Albrecht & Heun	94/19.01	41.03	\$600.00
11	Albrecht & Heun	95.03/21	42.64	\$600.00
13	Sam & Helena Bradway	1410.01/27	12.23	\$600.00
24	TK Sand & Gravel	96/17	8.08	\$400.00

FURTHER RESOLVED, that the above licenses be issued upon any and all conditions set forth by the Township Engineer in the letters attached to each license and as outlined in the code of the Township of Middle.

20. RESOLUTION NO. 283-10 – APPOINTMENTS – NEW HIRE – LABORER – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFF. DATE
John Hotaling	Sewer	Laborer	\$20,120.00	07/19/2010

21. RESOLUTION NO. 284-10– CLOSED SESSION – PENDING LITIGATION (RAVITZ V. MIDDLE) – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and  
WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and  
NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:  
1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: PENDING LITIGATION (RAVITZ V. MIDDLE)  
2.) The general nature of the subject matter to be discussed is as follows: PENDING LITIGATION (RAVITZ V. MIDDLE)  
3.) It is anticipated at this time the above subject matter will be made public as follows:  
    WHEN THE MATTER IS RESOLVED  
4.) This Resolution shall take effect immediately.

22. PUBLIC COMMENT:

Eileen Fausey: Would like copy of Item #6.

Committeemember Doughty: Fireworks on the 4<sup>th</sup> went well. All \$7,000 was donated,

Committeemember Lockwood: Governor passed 2% hard cap on budget over weekend, which will be tough to do.

Mayor DeLanzo: Fireworks were nice....very nice evening. 3,400 Tons of branches were picked up from the winter storms.

Vince Orlando: Had conversation with FEMA about Shannon Oaks. Pipe system was in worse shape than initially thought to be. Video Pipe Service came in and cleaned and videoed pipes. Also doing a Resolution to the County regarding Secluded Hollow to Freeholders to try to get drainage improvements on Shunpike. Township needs to adopt and send to County, Thinks Dale Foster is looking at either a regional storm water basin or a conveyance system.

Mayor DeLanzo: If this Resolution is passed at July 19<sup>th</sup> meeting, then we can proceed and pass it on to the Freeholders.

Vince Orlando: We still plan to proceed in redoing swale and cleaning out pipe....that will be done this fall.

Eileen Fausey: A lot of flooded places are the new developments with unlevel terrains. In future developments, we should consider the impact on surrounding properties.

Also, on May 17<sup>th</sup> Mr. Doughty said he would get the money for the fireworks and he did. Congratulated him.

Stated Tax Payers Association does not agree with the Sick Pay Cash Out Program.

Phil Broder: Said 5<sup>th</sup> Anniversary of when work began on 9<sup>th</sup> Avenue and still no resolution. Truckloads of trash dumped on their street...police said street should be blocked off past last driveway.

Jim Pickering: Builder went bankrupt and this work should not be responsibility of taxpayers. Have money in a bond to finish work. Plans are for drainage and to finish road work, that will finish the project.

Meeting adjourned 2:35 PM

---

Dawn Stimmel, Deputy Twp. Clerk